

**REMARKS**

This amendment is in response to the final Office Action of June 18, 2004.

Claims 1, 2, 4 through 10 and 12 through 15 are currently pending in the application.

**Information Disclosure Statement(s)**

Applicants note the filing of an Information Disclosure Statement on August 4, 2003 and note that a copy of the second and third sheets of the PTO-1449 was not returned with the outstanding Office Action. Applicants respectfully request that the information cited on the PTO-1449 (which is the same as that of record to that date in the parent application hereto) be made of record herein.

**35 U.S.C. § 102(e) Anticipation Rejections**

**Anticipation Rejection Based on Kanemoto et al. (U.S. Patent 6,410,987)**

Claims 1, 2, 5 through 10 and 12 through 15 are rejected under 35 U.S.C. § 102(e) as being anticipated by Kanemoto et al. (U.S. Patent 6,410,987).

Applicant respectfully asserts that **Kanemoto et al. does not qualify as prior art** under 35 U.S.C. § 102(e) because the present invention is entitled to an effective filing date of September 13, 1996, the filing date of application Serial No. 08/713,798, now U.S. Patent 5,763,945, which was the first in the family of related applications that includes the present application. The filing date of Kanemoto et al. is November 30, 1999, which is more than three years after the effective filing date of the present application.

Paragraph [0001] of the as-filed specification states: "This application is a continuation of application Serial No. 10/218,335, filed August 13, 2002, pending, which is a continuation of application Serial No. 09/943,845, filed August 30, 2001, now U.S. Patent 6,445,067, issued September 3, 2002, which is a continuation of application Serial No. 09/539,092, filed March 30, 2000, now U.S. Patent 6,329,710 B1, issued December 11, 2001, which is a continuation of Serial No. 09/294,185, filed April 19, 1999, now U.S. Patent 6,087,720, issued July 11, 2000, which is a continuation of application Serial No. 09/047,726, filed March 25, 1998, now U.S. Patent 5,907,184, issued May 25, 1999, which is a continuation of application Serial No. 08/713,798, filed September 13, 1996, now U.S. Patent 5,763,945, issued

June 9, 1998.” In addition, the present application was filed before the patenting or abandonment of or termination of proceedings of the parent application, Serial No. 10/218,335, filed August 13, 2002 (now U.S. Patent 6,630,733, issued October 7, 2003). Therefore, Applicant has complied with all requirements of 35 U.S.C. § 120 and is entitled to an effective filing date of September 13, 1996. As such, Kanemoto et al. does not qualify as prior art to the present application under 35 U.S.C. § 102(e).

Therefore, Applicant respectfully requests that the rejection of claims 1, 2, 5 through 10, and 12 through 15 under 35 U.S.C. § 102(e) as being anticipated by Kanemoto et al. be withdrawn as such claims are allowable thereover.

### **35 U.S.C. § 103(a) Obviousness Rejections**

Obviousness Rejection Based on Kanemoto et al. (U.S. Patent 6,410,987), and further in view of Loder et al. (U.S. Patent 5,777,345)

Claim 4 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Kanemoto et al. (U.S. Patent 6,410,987), and further in view of Loder et al. (U.S. Patent 5,777,345). Applicants respectfully traverse this rejection, as hereinafter set forth.

Again, Applicant respectfully asserts that **Kanemoto et al. does not qualify as prior art** under 35 U.S.C. § 102(e) for the reasons discussed previously. In particular, the present invention is entitled to an effective filing date of September 13, 1996, the filing date of application Serial No. 08/713,798, now U.S. Patent 5,763,945, which was the first in the family of related applications that includes the present application. The filing date of Kanemoto et al. is November 30, 1999, which is more than three years after the effective filing date of the present application. Therefore, claim 4 is allowable.

Applicants request entry of this amendment for the following reasons:

The amendment is timely filed.

The amendment places the application in condition for allowance.

The amendment does not require any further search or consideration.

**Conclusion**

Applicants submit that claims 1, 2, 4 through 10, and 12 through 15 are clearly allowable over the cited prior art.

Applicants request the allowance of claims 1, 2, 4 through 10 and 12 through 15 and the case passed for issue.

Respectfully submitted,



James R. Duzan  
Registration No. 28,393  
Attorney for Applicant(s)  
TRASKBRITT  
P.O. Box 2550  
Salt Lake City, Utah 84110-2550  
Telephone: 801-532-1922

Date: August 6, 2004  
JRD/sls:djp  
Document in ProLaw